REMARKS

By the foregoing amendment, claims 1, 8 and 13 have been amended. Claims 1-6 and 8-22 are pending in the application. In view of the foregoing amendments and the remarks urged here, Applicant respectfully requests that the Examiner reconsider all outstanding rejections.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-6 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over WIPO Publication No. 98/12760 to Borza et al. ("Borza") in view of U.S. Patent No. 6,496,928 to Deo et al. ("Deo") and further in view of U.S. Patent No. 6,189,099 to Rallis et al. ("Rallis"). The Examiner has rejected claims 13-22 under 35 U.S.C. § 103(a) as being unpatentable over Borza in view of Deo.

Claims 1-6 and 8-12:

Applicant has amended claims 1 and 8 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite the step of "denying further access to said computer network and said portable computing device if said comparing step fails to identify said user as an authorized user and powering down said portable computing device." Claim 8 has been amended to recite the step of "preventing access to said computer network and said portable computing device if the user is not identified as an authorized user and powering down said portable computing device."

The present invention, as recited in independent claims 1 and 8 is directed to a method and apparatus for controlling access to a computer network where access is controlled by a portable computing device. The problems recognized by embodiments of the present invention is twofold – namely, securing access to a computer network by biometric comparison and securing the portable computing device by biometric comparison. The problem is especially inherent in the use of portable computing devices which are easily stolen or lost. Therefore, the present invention contemplates storage of original biometric data on the computer network and on the portable computing device and if the comparison to the stored biometric data stored fails to identify the authorized user, access to the portable computing device and the computer

network is denied. Additionally, the portable computing device is remotely powered down upon unsuccessful authentication of the biometric data. Finally, if the portable computing device is lost or stolen, the invention contemplates that a remote user (possibly the administrator of the computer network) can remotely delete the original biometric data on the portable computing device preventing unauthorized use of the portable computing device.

By contrast, the Examiner's base reference, Borza, is directed to encryption and decryption of biometric data from a wireless device to a host system. Borza does not teach or suggest that biometric data be stored on the network and at the wireless device. Indeed, Borza is simply directed to solving the sole problem of computer network access by unauthorized wireless devices.

The shortcomings of the base reference are not overcome by Deo or Rallis. Deo teaches broadcasting messages using encryption to mobile devices over the network. When a mobile device has the proper encryption key, it may decode the message. Applicant respectfully submits that Deo is not properly applicable to the problem being solved by the present invention. Deo's system would not be able to identify an unauthorized user from biometric data. In fact, using Deo's system, an unauthorized user (prior to knowledge of potential unauthorized use, say, from owner reporting theft) would be able to continue receiving broadcast messages. Additionally, Deo does not teach or suggest that the mobile device would be powered down upon identification of an unauthorized user.

Rallis is directed to a multi-level encryption system for a notebook computing device. However, Rallis does not teach storage of biometric data on the network as well as the mobile computing device.

Therefore, Applicant respectfully submits that a combination of Borza, Deo, and Rallis does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicant respectfully submits that amended independent claims 1 and 8 are allowable over the cited references. Claims 2-6 and 9-12, by their dependency on claims 1 and 8 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

Claims 13-22:

Applicant has amended claim 13 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 13 has been amended to recite "a portable computing device, said portable computing device providing wireless access to said computer network and wherein said portable computing device is powered down upon unsuccessful authentication of biometric data from said user."

The present invention, as recited in independent claim 13 is directed to an apparatus for controlling access to a computer network where access is controlled by a portable computing device. The problems recognized by embodiments of the present invention is twofold – namely, securing access to a computer network by biometric comparison and securing the portable computing device by biometric comparison. The problem is especially inherent in the use of portable computing devices which are easily stolen or lost. Therefore, the present invention contemplates storage of original biometric data on the computer network and on the portable computing device and if the comparison to the stored biometric data stored fails to identify the authorized user, access to the portable computing device and the computer network is denied. Additionally, the portable computing device is remotely powered down upon unsuccessful authentication of the biometric data. Finally, if the portable computing device is lost or stolen, the invention contemplates that a remote user (possibly the administrator of the computer network) can remotely delete the original biometric data on the portable computing device preventing unauthorized use of the portable computing device.

By contrast, the Examiner's base reference, Borza, is directed to encryption and decryption of biometric data from a wireless device to a host system. Borza does not teach or suggest that biometric data be stored on the network and at the wireless device. Indeed, Borza is simply directed to solving the sole problem of computer network access by unauthorized wireless devices.

The shortcomings of the base reference are not overcome by Deo. Deo teaches broadcasting messages using encryption to mobile devices over the network. When a mobile device has the proper encryption key, it may decode the message. Applicant respectfully submits

that Deo is not properly applicable to the problem being solved by the present invention. Deo's system would not be able to identify an unauthorized user from biometric data. In fact, using Deo's system, an unauthorized user (prior to knowledge of potential unauthorized use, say, from owner reporting theft) would be able to continue receiving broadcast messages. Additionally, Deo does not teach or suggest that the mobile device would be powered down upon identification of an unauthorized user.

Therefore, Applicant respectfully submits that a combination of Borza and Deo does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicant respectfully submits that amended independent claim 13 is allowable over the cited references. Claims 14-22, by their dependency on claim 13, are similarly allowable. Early notice to that effect is earnestly solicited.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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Dated: January 31, 2007

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